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June 13, 1997

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Re: MM Docket No. 87-268

Dear Mr. Caton

Transmitted herewith, on behalf of Channel 51 of San Diego, Inc., licensee of Television Broadcast Station KUSI-TV, San Diego, CA, are an original and four copies of its Petition For Reconsideration of the Sixth Report and Order in the above-referenced matter.

Very truly yours

Stanley S. Neustadt

Stanley S. Neustadt

Enclosures

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BEFORE THE

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

PETITION FOR RECONSIDERATION OF SIXTH REPORT AND ORDER

Channel 51 of San Diego, Inc. (KUSI), licensee of Television Broadcast Station KUSI-TV, San Diego, CA, by its attorneys, pursuant to Section 1.429 of the Commission's Rules, respectfully requests that the limit on the power of the DTV station allotted to KUSI in the Sixth Report and Order in the above-captioned proceeding ("Sixth Report") be increased in order to maintain the present competitive balance among the stations in the San Diego market. KUSI also urges that as part of the relief requested herein the Commission inaugurate negotiations with Mexico looking toward the possible use of Channel 17 for DTV purposes at San Diego. In support of its position, KUSI states:

1. There is attached hereto the Engineering Statement of Bernard R. Segal, the consulting engineer for KUSI. That Statement describes in detail the allotment for KUSI and the potential competitive harm to KUSI which it will create. KUSI, which operates its NTSC station on Channel 51, has been allotted Channel 18 for DTV, but limited power and interference which it would receive combine to prevent it from replicating its present service, and, much more

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significantly, would result in KUSI serving significantly fewer persons than would its competitors in the market. It has been allotted the lowest power of any station in the market. It would serve only 86.5% of the area served by its current NTSC operation; all other San Diego stations would serve from 95.7 to 100% of their current service areas. Surely, the Commission would wish to avoid such competitive displacement if it could do so consistent with the other considerations involved in the Table of Allotments.

2. The attached Engineering Statement establishes that if Station KUSI operates on Channel 18 the situation could be corrected by increasing its signal to the North. KUSI is sensitive to the myriad difficulties which the Commission faces in trying to accommodate best service to the public with the needs of individual licensees. Nevertheless it believes that permitting a directional increase in power for Station KUSI represents a reasonable accommodation. Moreover, it need not necessarily be permanent.

3. As the Engineering Statement makes clear, the ideal solution would be if KUSI were allotted Channel 17, rather than Channel 18. At this time, that allotment is precluded by an agreement with the Mexican government. However, as is shown, Mexico might agree to this change because it has apparently not authorized any operation on Channel 17. If the Commission could inaugurate, and successfully conclude the negotiation suggested herein, all domestic stations

involved in this narrow matter would benefit. And so, of course, would the public.

Respectfully submitted

CHANNEL 51 OF SAN DIEGO. INC.

By: Stanley S. Neustadt
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By: Robert B. Jacobi
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June 13, 1997

Its Attorneys

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

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Federal Communications Commission
Office of Secretary

**ENGINEERING STATEMENT
CHANNEL 51 SAN DIEGO, INC.
SAN DIEGO, CALIFORNIA**

The instant engineering statement has been prepared on behalf of Channel 51 of San Diego, Inc. (hereafter, Channel 51) in support of a Petition for Reconsideration of the FCC's *Sixth Report and Order* in the matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket Number 87-268. Specifically, Channel 51 seeks the allotment of DTV channel 17 for use at San Diego by KUSI-TV in lieu of DTV channel 18.

Channel 51 is the licensee of station KUSI-TV, San Diego, California. The NTSC facilities for KUSI-TV are for operation on channel 51 with peak visual effective radiated power of 2,880 kW (MAX-DA) and antenna radiation center height above average terrain of 579 meters. The paired allotment channel for DTV use for KUSI-TV is 18 with maximum effective radiated power of 50 kW and antenna radiation center height above average terrain of 579 meters. The DTV/NTSC area match is 86.5 percent. All other San Diego stations were awarded allotments which afford DTV/NTSC area matches ranging from 95.7 to 100 percent. The foregoing was determined from

information provided in Appendix B, Table 1, in the aforementioned *Sixth Report and Order*.

While most of the interference to KUSI-TV for its digital operation would occur over water, the important consideration to Channel 51 from a competitive standpoint is that the digital television population it will serve during the transition is the smallest of all the San Diego stations. Channel 51 seeks a mechanism for improving its DTV competitive status.

The obvious resolution to that dilemma is for the submission of an application to increase power and/or modify the existing directional antenna radiation pattern to reduce the extent of received interference. The bulk of interference received by the KUSI-TV, DTV channel 18, operation is from co-channel KSCI, San Bernardino, NTSC channel 18.

Based on a study performed by Telecommunications Analysis Services (TAS), a branch of the Institute for Telecommunications Sciences (ITS) which, in turn, is part of the US Department of Commerce, the interference that would be received by KUSI-TV's channel 18 DTV operation from KSCI impacts

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54,000 persons. The accompanying map shows the predicted coverage for the channel 18 DTV operation for KUSI-TV as determined by TAS. As stated earlier, the bulk of the interference is from co-channel station KSCI. The solution to reducing the interference is to increase the KUSI-TV signal toward the north, i.e., toward KSCI.

A study performed by TAS on KSCI's NTSC channel 18 operation reveals that KSCI receives interference from DTV facilities involving 2,890 square kilometers, impacting a population of 232,000 persons. This study reveals that all but 12 square kilometers of the DTV interference is attributable to the DTV operation proposed for KUSI-TV. Most of the interference area is over water, but that part which occurs on land impacts a significant population. Any increase in power for KUSI-TV in the direction toward KSCI, must invariably increase the interference to KSCI in populated land areas.

A review of the NTSC and DTV allotments suggests that if DTV channel 17, in lieu of DTV channel 18, were to be allotted for KUSI-TV use, improvements both for KUSI-TV and KSCI would be possible. A study performed by TAS indicates that with power of 50 kW (MAX-DA) for KUSI-TV

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on channel 17, no interference would be caused or received. It appears that power greater than 50 kW would be possible without harmful impact to any other station. The replication percentage for KUSI-TV would be improved significantly and the interference to KSCI NTSC would be reduced by about 232,000 persons. However, the use of channel 17, as proposed, is barred by the reservation of NTSC channel 17 at Ensenada, Baja California, in the US-Mexico Television Agreement. The Ensenada reference is approximately 97 kilometers from the KUSI-TV transmitter reference.

As far as is known, no station currently is operating at Ensenada on channel 17. Also, no station is believed to be operating on any other UHF channel reserved for operation at Ensenada or at El Sauzal, a community that is less than 10 kilometers from Ensenada. Together, the existing allotments at Ensenada and El Sauzal and other localities preclude any substitute allotment for channel 17.¹


¹ Channels 17, 23, and 29 are allotted to Ensenada.
Channels 41, 61, and 70 are allotted to El Sauzal.
Channels 21, 33, 45, and 57 are allotted to Tijuana.

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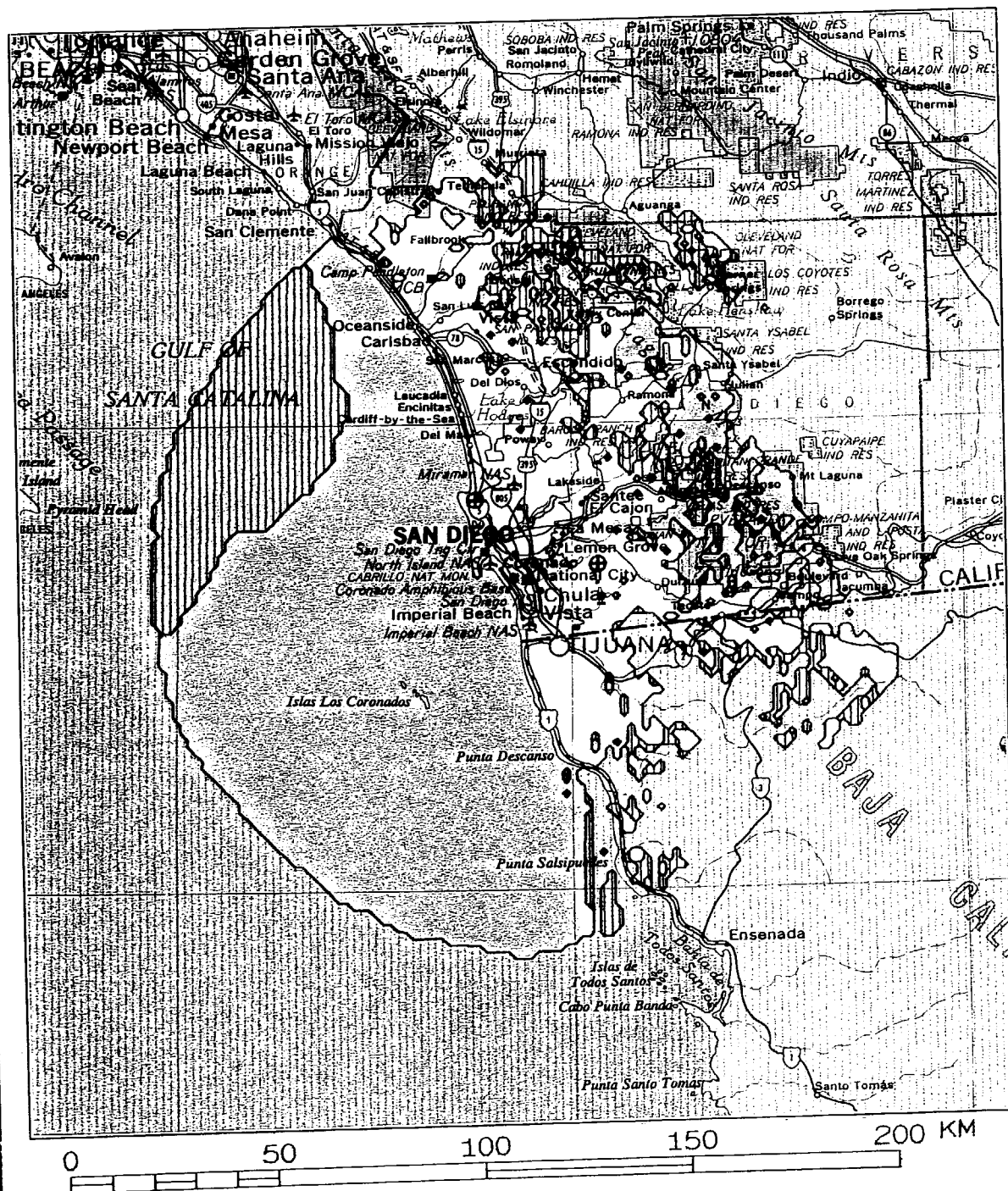
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If a satisfactory renegotiation with Mexico could be achieved to delete the Ensenada, NTSC, channel 17, allotment, the substitution of DTV channel 17 for DTV channel 18 at San Diego would be possible. Significant benefits then could be achieved for NTSC station KSCI, channel 18 and DTV station KUSI-TV, channel 17, as earlier mentioned.


Bernard R. Segal, P.E.

June 12, 1997



PREDICTED COVERAGE*

KUSI-TV (DTV)

SAN DIEGO, CALIFORNIA

CH 18 50 KW (MAX-DA) 579 METERS

Prepared for

CHANNEL 51 OF SAN DIEGO, INC.

Bernard R. Segal, P.E. Consulting Engineer

Signal to Interference ratio

□ No Interference

Area: 16020. sq km

Population: 2238000.

Households: 797000.

■ HDTV Interference

Area: 0. sq km

Population: 0.

Households: 0.

■ NTSC Interference

Area: 3650. sq km

Population: 54000.

Households: 18000.

▨ Signal below minimum

* Computation based on ITS Irregular Terrain Model for 50% confidence factor with results clipped at the limit of the predicted Grade B contour.

MAY 1997